

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KHALID O. RAHMAN,

Plaintiff,

v.

PIERCE COUNTY, et al.,

Defendants.

Case No. C06-5262 BHS/KLS

ORDER OF DISMISSAL FOR  
FAILURE TO PROSECUTE

This matter comes before the Court on the Report and Recommendation of the Honorable Karen L. Strombom (Dkt. 57). The Court has considered the Report and Recommendation and the remainder of the file and hereby dismisses Plaintiff's claims without prejudice for the reasons stated herein.

**I. FACTUAL AND PROCEDURAL BACKGROUND**

On October 30, 2007, Defendants moved for summary judgment. Dkt. 50. Plaintiff did not respond to the motion. On March 6, 2008, Magistrate Judge Strombom filed a Report and Recommendation recommending dismissal for failure to create a genuine issue of fact as to Plaintiff's claims under the Eighth and Fourteenth Amendments and as to his state claims. Dkt. 57. The Report and Recommendation construes Plaintiff's failure to respond to the Motion for Summary Judgment as an admission that the motion has merit, pursuant to Local Rule CR 7(b)(2), and thoroughly addresses the merits of Defendants' motion. *See* Dkt. 57.

1 Plaintiff has not objected to the Report and Recommendation. On March 26, 2008,  
2 the Court renoted the Report and Recommendation because it was unclear whether Plaintiff  
3 had received a copy of the motion for summary judgment and because Plaintiff had not  
4 received a copy of the Report and Recommendation. Dkt. 60 at 2. The Court warned  
5 Plaintiff that this action would be dismissed without prejudice for failure to prosecute if  
6 Plaintiff failed to update his address on or before May 21, 2008. *Id.* To date, Plaintiff has  
7 failed to inform the Court of his current address..

## 8 II. ORDER

9 Therefore, it is hereby

10 **ORDERED** that Plaintiff's claims are **DISMISSED without prejudice** for failure to  
11 prosecute pursuant to Local Rule CR 41(b)(2).

12 DATED this 29<sup>th</sup> day of May, 2008.

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16 BENJAMIN H. SETTLE  
17 United States District Judge  
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